

### ***Remarks***

Claim has been amended 21 to recite "ICE-LAP 3 polypeptide," and claim 23 has been canceled without prejudice or disclaimer. The amendments find support throughout the specification as originally filed, and thus no new matter has been added.

Claims 21-22, 24-31, and 34-35 are pending.

### ***Rejections Under 35 U.S.C. § 112, First Paragraph***

The Examiner has rejected claims 21-31 and 34-35 under 35 U.S.C. § 112, first paragraph, as allegedly adding matter. In particular, the Examiner contends that claim 21 encompasses the detection of non-ICE-LAP 3 polypeptides. The Examiner has also rejected claim 23, alleging that the claim is broader than the competition assays disclosed in the specification.

In response, while Applicants do not acquiesce with the instant rejection, claim 21 has been amended without prejudice or disclaimer to recite that the antibody binds to and detects an ICE-LAP 3 polypeptide, thereby obviating the rejection thereof. Claim 23 has also been canceled without prejudice or disclaimer. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

### ***Conclusion***

Entry of the above amendment is respectfully solicited. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicants would expedite the allowance of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an additional

extension of time under 37 C.F.R. § 1.136, such an extension is requested and the appropriate fee should also be charged to our Deposit Account.

Dated: March 17, 2008

Respectfully submitted,

/Mark J. Hyman/

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